

City of Somerville
Licensing Commission

SPECIAL Meeting by Remote Participation

DRAFT OF THE
Minutes of the Special Meeting
Wednesday, July 1, 2020
Posted 9/21/20 at 9:00am

Wednesday
July 1, 2020
2:00pm
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The meeting was called to order at 2:01pm. Present were Commissioners Lynch and Allen, Secretary to the Commission Lori Batzek, Lt. Timothy Mitsakis, a member of the Police Department, Lt. MacLaughlan, a member of the Fire Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 2:59pm

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. C. 30A, s. 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, as well as Mayor Curtatone's Declaration of Emergency, dated March 15, 2020, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

<https://attendee.gotowebinar.com/register/3658373561076411661>

The purpose of the meeting is to consider outdoor seating applications continued from the June 24 Licensing Commission meeting and new outdoor seating applications that are compliant with Covid-19 protocols.

COMMUNICATIONS

1a. Per the Request of Chairman Joseph Lynch:

- 1. TEMPORARY OUTDOOR SEATING licenses DO NOT PERMIT entertainment by devices or by patrons/performers**

Chairman Lynch requires Licensees to be notified that Entertainment by Devices, Performers or Patrons is not allowed.

- 2. Unless the licensee has been granted explicit permission to allow animals onto the outdoor seating areas, SERVICE ANIMALS are the only animals permitted entry**

Chairman Lynch requires Licensees to be notified that Animals, except Service Animals, are not allowed.

TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER’S ORDER

Requesting

An Alteration of Premises
For TEMPORARY Outdoor Patio Seating

Continued from Wednesday, June 24, 2020

1.

CONTINUED FROM Wednesday, June 24, 2020							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000095	Sligo Pub (Back parking lot)	237A Elm St	NEW	NEW TEMPORARY	YES	NEW	PUBLIC

Sligo Pub – This is a private parking lot. Sue Thomas states they are working with the applicant. They have a Common Victualler License which allows them to provide food. Sue states the ABCC requires them to have a Food License and that the application is under Sligo Pub. The plan has been revised and they will be partnering with Dragon Pizza. Sligo Pub will be using the space that Dragon Pizza was approved for. Sligo will be serving the alcohol (drinks) and Dragon Pizza will serve the food through online ordering or disposable papers on the table. The food will be delivered by either a Sligo Pub or Dragon Pizza employees. Chairman Lynch ask for clarification on this matter. Ordering food and drinks will be done through table service, Sligo delivers the drinks, either Sligo or Dragon Pizza will deliver the food. Chairman Lynch cautioned Sue about the liability issue involved in this dual service. What happens if a patron becomes ill, from the food and who would be held responsible? Sue believes both licensees would be responsible but primarily any food issues would be Dragon Pizza’s responsibility and any alcohol issues would be Sligo Pub’s responsibility. This is one combined seating area on private property. Commissioner Allen asked about the process for ordering food. Sue stated this would be on an online app. or through the waiter with a disposable menu switched out in between customers. Drinks will be served at the table. Chairman Lynch asked about the status of Dragon Pizza’s Alcohol License. The secretary confirmed the Licensing Commission and the ABCC had approved the license, but it has not been issued yet, due to construction issues and Covid 19. Restrooms will be used by Sligo Pub. Dragon Pizza does not currently have a restroom. The commissioners express concerns on this matter. Does Sligo Pub have an ADA compliant restroom? There is a small concrete lip into the restaurant. Customers may need to use the front entrance if unable to access the restroom. The commission held this matter for additional questions until the end of the agenda. Sue Thomas stated there are steps going into the establishment. Contact tracing will be implemented. An amendment will be provided by Dragon Pizza for the food liability. Commissioner Allen asked about Dragon Pizza Temporary Outdoor Seating License for the same area. Sue Thomas stated she would like them to keep this license on file. Chairman Lynch stated he felt the same, if either party were to terminate this agreement, the other party would not be required to apply again. He also stated this is setting a precedent, and this raises liability, sanitary and restroom issues. He stated he does not want the Licensing Commission to be required to get in the middle of these issues. Commissioner Allen stated in the case of violations, contract tracing or sanitary problems, he has issues with 2 licenses being active, and who would be at fault for any of these issues. He suggested both licensees be held responsible and held to a higher standard. Kelly Mellon stated she is willing to do whatever is necessary to make this work. Chairman Lynch stated he wants to make sure the public is protected at all costs. Conditionally Approved pending department approvals

NEW Applications

TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER’S ORDER

Requesting

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For TEMPORARY Outdoor Patio Seating

2.

NEW TEMPORARY OR EXPANDING							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000103	Monte Cristo	146 Broadway	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000106	Five Horses Tavern	400 Highland Ave	NEW	EXPANSION	YES	CURRENT	PUBLIC
ALM20-000109	Bloc 11 Café	11 Bow St	NEW	NEW TEMPORARY	YES	NEW	PRIVATE

PROVISIONALLY APPROVED LICENSES							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	
ALM20-000097	Dali	415 Washington St	SIGNOFFS	NEW TEMPORARY	YES	NEW	
ALM20-000098	Vinny's at Night	76 Broadway	APPROVED	NEW TEMPORARY	YES	NEW	
ALM20-000099	Maya Sol	179 Broadway	SIGNOFFS	CURRENT	YES	CURRENT	

Monte Cristo – Cortney Kirk states this is for both, PRIVATE – tables in the backyard and PUBLIC tables on the sidewalk. Chairman Lynch would like this to be corrected. Does the Fire Department have sufficient egress in the back? Lt. MacLaughlan confirmed they do. Conditionally Approved pending department approvals

Five Horses Tavern - This is a Parklet for the 2 parking spaces in front of the establishment. Commissioner Allen states this will leave more space on the sidewalk. Conditionally Approved pending department approvals

Bloc 11 Café – This was submitted for Covid compliance. Conditionally Approved pending department approvals

PROVISIONALLY APPROVED LICENSES

Dali – Proposing to have PRIVATE seating in their parking lot in lieu of Parklet seating. The secretary has not received any documentation on this change. **NO ACTION TAKEN ON THIS MATTER. DOCUMENTATION OF THE CHANGE IS REQUIRED**

Vinny’s at Night – This is a Parklet. Previously Conditionally Approved pending department approvals

Maya Sol – This is a Parklet. Previously Conditionally Approved pending department approvals

3.

Agenda Item - Request - OSPCD requests a conditional approval for the restaurants listed below from Day Street to Grove Street in Davis Square, pending staff review and compliance with the StreateryOnElm schematics.

<https://bit.ly/StreateryOnElm>

Businesses:

https://bit.ly/StreateryOnElm							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000105	Elm Street Tap Room	256 Elm St.	NEW	NEW TEMPORARY		NEW	PUBLIC
ALM20-000107	Pokeworks	261 Elm St.	NEW	NEW TEMPORARY		NEW	PUBLIC

Elm St. Taproom – This is a Parklet. Previously Conditionally Approved pending department approvals

Pokeworks - This is a Parklet. Previously Conditionally Approved pending department approvals

Agenda Item - Request - OSPCD requests a conditional approval for the restaurants listed below from Day Street to Grove Street in Davis Square, pending staff review and compliance with the StreateryOnElm schematics.

<https://bit.ly/StreateryOnElm>

Businesses:

4.

ALM20-000113	Diesel Café (parklet)	257 Elm St	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
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Diesel Café – This is a Parklet. Conditionally Approved pending department approvals

LATE ITEMS

NEW Applications

**TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER’S ORDER**

Requesting

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5.

LATE ITEMS							
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE
ALM20-000100	Midic	463 Assembly Row	NEW		NO	CURRENT	PRIVATE
ALM20-000111	P J Ryans	239 Holland	Change of Hours Indoors and Outdoors				
ALM20-000112	Dark Horse Tavern (parklet)	499 Broadway	NEW	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000112	Dark Horse Tavern chg hrs indoors	499 Broadway	EXISTING	REQ. ABCC DOC.			
ALM20-000112	Dark Horse Tavern chg Bill. & Bowl.	499 Broadway	Not renewed for 2020			REQ. CITY COUNCIL APPROVAL & LICENSING	
ALM20-000112	Dark Horse Tavern add. Auto Amuse.	499 Broadway	NEW			REQ. CITY COUNCIL APPROVAL & LICENSING	

Midici – This is Covid compliant seating for their existing seating, on the sidewalk. Conditionally Approved pending department approvals

P J Ryans – DENIED - CHANGE OF HOURS. THE CITY COUNCIL, CITY CLERK’S OFFICE AND THE LAW DEPARTMENT WILL NEED TO BE CONSULTED ON CHANGE OF HOURS FOR TEMPORARY OUTDOOR SEATING.

Dark Horse Tavern (Parklet) – THIS IS FOR BROADWAY ONLY. MEDFORD ST. IS IN THE CITY OF MEDFORD (and under the City of Medford’s jurisdiction). Sue Thomas has contacted the City of Medford and has not received a response from them yet. Chairman Lynch instructed the secretary to have Lt. MacLaughlan check this area for Fire apparatus to have sufficient space. Conditionally Approved FOR BROADWAY ONLY, pending department approvals

Dark Horse Tavern (chg. Hrs. indoors) – reducing hours of food and alcohol service. Chairman Lynch asked that these be placed on the agenda to inform Economic Development of the changes being received by licensees. NO ACTION TAKEN ON THIS MATTER. ABCC DOCUMENTATION OF THE CHANGE IS REQUIRED

Dark Horse Tavern (Bill. & Bowl.) – Chairman Lynch asked that these be placed on the agenda to inform Economic Development of the changes being received by licensees. NO ACTION TAKEN ON THIS MATTER. This is a City Council matter.

Dark Horse Tavern (add Auto Amuse.) - Chairman Lynch asked that these be placed on the agenda to inform Economic Development of the changes being received by licensees. **NO ACTION TAKEN ON THIS MATTER. This is a City Council matter.**

Withdrawn Applications

6.

ALM20-000096	Los Paisanos	62 Broadway	WITHDRAWN	NEW TEMPORARY	YES	NEW	PUBLIC
ALM20-000101	Neighborhood Restaurant	25 Bow St	?	?	?	?	?
ALM20-000104	La Brasa	124 Broadway	SIGNOFFS	EXPANSION	NO	CURRENT	PUBLIC
ALM20-000108	Bloc 11 Café	11 Bow St	NEW	NEW TEMPORARY	YES	NEW	PRIVATE

The Commission noted these Withdrawn Applications.

Chairman Lynch made the following motion:

MOTION:

I move to provisionally approve the establishments just reviewed favorably (and voted on) for outdoor seating service. This approval is conditional on each establishment filing a health and safety plan, and receiving City approval of its socially distant seating layout. Licensees are not permitted to begin operation until they receive written notice from the City Clerk’s Office that both conditions have been met. This approval expires on November 1 at 11:59 PM, unless otherwise modified by the Governor or State or City legislation, and requires no additional payment. License holders may reduce but not expand their existing hours of operation on private property, and may reduce but not expand past 10 PM their existing hours of operation on public property. Finally, outdoor seating license holders are warned that any license holder who violates any Covid-19 protocols, ADA requirements or any other terms or conditions of the license, may be subject to suspension for the remainder of 2020 and/or the revocation of the license holder’s license.